

HOUSE BILL REPORT

SB 5047

As Passed House

April 15, 1997

Title: An act relating to arming community corrections officers.

Brief Description: Arming community corrections officers.

Sponsors: Senators Benton and Zarelli.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/28/97, 4/4/97 [DP].

Floor Activity:

Passed House: 4/15/97, 75-22.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; O'Brien, Assistant Ranking Minority Member; Blalock; Delvin; Dickerson; Hickel; Mitchell; Robertson and Sullivan.

Minority Report: Do not pass. Signed by 2 members: Representatives Quall, Ranking Minority Member; and Cairnes.

Staff: Yvonne Walker (786-7841).

Background: The Division of Community Corrections, within the Department of Corrections, supervises offenders in the community and operates work release and pre-release programs. Community corrections officers are the main staff agents of the Division of Community Corrections. Offenders, under supervision of these community corrections officers, are monitored for compliance with court ordered sentence requirements and are often referred to any needed community-based rehabilitation services.

The level of supervision provided and the resulting amount of contact the community corrections officer has with an offender varies and depends primarily on the sentencing conditions imposed by the court. The Sentencing Reform Act (SRA) requires courts to sentence all violent offenders to a period of community placement following their terms in total confinement. In addition, the SRA authorizes judges to

impose community supervision for first-time offenders and offenders with sentences of confinement of one year or less.

The current law does not expressly authorize community corrections officers to carry firearms while conducting their duties. In situations when an officer needs to make an arrest, the department requires the officer to obtain the assistance of local law enforcement authorities. However, an officer may ask the department for permission to carry a firearm for protection in unusual situations if someone has made a direct threat against the officer.

Under this policy, officers who request to carry a firearm must meet several prerequisites, including completion of a division-approved firearms class and certification by a division-approved firing range instructor. Officers can meet both of these requirements through the Criminal Justice Training Commission. The classes are free of charge.

Community corrections officers are not eligible for membership in the Law Enforcement Officers' and Fire Fighters' (LEOFF) retirement system because they do not meet the statutory definition of law enforcement officer.–

Summary of Bill: Community corrections officers may carry firearms, at their discretion, while conducting their daily duties.

Community corrections officers who choose to be armed must arrange for and obtain any necessary training at their own expense. In addition, they must obtain the firearms and any associated supplies and equipment at their own expense.

The Department of Corrections is directed to implement the firearms policy by January 1, 1998, but not until the Criminal Justice Training Commission has set standards for training requirements and determined the types of firearms and ammunition that will be permitted.

The commission is directed to convene an advisory board by May 1, 1997, to make recommendations for the training standards and equipment requirements. The membership of the advisory board is specified and includes five members: two firearms instructors designated by the commission; two community corrections officers designated by their exclusive bargaining unit; and one department representative designated by the secretary of the Department of Corrections.

The standards and requirements for implementing the act must be set by the commission no later than December 1, 1997.

The act is not intended to make community corrections officers eligible for membership in the LEOFF Retirement system.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Over the last several years crime in area neighborhoods has dramatically increased. Community corrections officers spend the majority of their time out on the crime-ridden streets everyday protecting communities and this bill may be the only way that community corrections officers may have a chance at protecting themselves. Many community corrections officers feel this bill just makes good sense.

Testimony Against: The authorization for community corrections officers to carry firearms during their supervision of offenders would not be a good example for offenders. Community corrections officers are supposed to promote alternatives to violence and the carrying of firearms. This bill would do the opposite of the Department of Corrections' goal. In addition, several veteran officers have never felt threatened while performing their duties and consequently have never had the need to carry a firearm. Allowing a community correction officer to carry a firearm will just change the attitudes and relationships between community correction officers and offenders.

Testified: Senator Benton, prime sponsor; Scott Shapiro, Department of Corrections (pro); Randy Parr, Washington Federation of State Employees (pro); Janice Esterly, Department of Corrections (con); Dennis Gits, Department of Corrections (con); and Susan Bronkhorst (pro).